

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36289 of 2023

Arising Out of PS. Case No.-378 Year-2021 Thana- NAWADA District- Nawada

SUSHANT DHAR Son of Late Sachindra Chandra Dhar Resident of mohalla
- 85 Anandghar, Belghaniya, North 24 Pargana, Distt. - West Bengla
(Kolkata)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2023 On call, no one appears on behalf of the petitioner
although learned APP for the State is present.

2. The petitioner is an accused in connection with
Nawada Town P.S. Case No. 378 of 2021 registered for the
offences under sections 33, 34 and 36 of the Bihar Prohibition
and Excise Act lodged on 02.04.2021 by the informant, Anjani
Kumar.

3. As per the prosecution story, the police in course of
investigation in connection with Nawada P.S. (UD) Case No. 14
of 2021 came to know that one Gopal Kumar died due to
drinking of spurious liquor and it was found that he had
purchased the same from the petitioner which led to lodging of
the present case.



4. As per the petition specially in paragraph 6, he has been implicated in this case on the basis of people inimical to him, is in custody since 28.02.2022 and charge sheet already stands submitted only on the ground that he has criminal cases against him.

5. Learned APP for the State submits that allegation is that the liquor provided by him was spurious which led to death of the one Gopal Kumar.

6. Considering the materials on record, the fact remains that he is in custody since 28.02.2022, is 65 years of age, charge sheet stands submitted and will be appearing in the Trial, this Court is inclined to extend him privilege of bail but only after framing of the charges.

7. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Judge 1st Nawada in connection with Nawada Town P.S. Case No. 378 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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